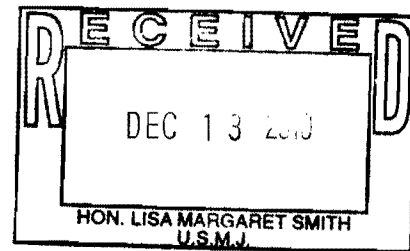


December 7, 2010

BY US MAIL

United States District Court
Southern District of New York
Hon. Lisa Margaret Smith
United States Magistrate Judge
300 Quarropas Street
White Plains, New York 10601



R.E. Donald Roth v. United States, 09 Civ. 8712, 02 Cr. 1503

Dear Judge Smith:

I respectfully request that the Court memo-endorse this letter-motion granting me leave to file any reply in this action by or before January 6, 2011, thirty days after the date I received the government's Memorandum in Opposition to my habeas motion (December 7, 2010, see enclosed copy of Bureau of Prisons mail room receipt), and to file a reply which contains twenty-five or less pages.

I request such leave because of the volume of the record in this action (nearly 5,000 page trial transcript), the government's one hundred sixty-six page Memorandum of Law in Opposition to my motion (inclusive of exhibits), the fact that I am required to work at my institution's clothing services department weekdays between 6:00 a.m. and 12:00 p.m., and the press of other prison matters. Although the government filed a sworn affidavit of service regarding the Memorandum in Opposition stating that they mailed me the document on November 29, 2010, the postmark states November 30, 2010 and I did not receive it until December 7, 2010.

Thank you for your consideration.

Respectfully,

By: _____

FCI Sandstone
Donald Roth, 83933-054 K1
POB 1000
Sandstone, MN 55072

cc. Benjamin Allee
Assistant United States Attorney
(by mail)

09 Civ. 8712
SO 02 DEC 20
Demand letter motion
for judgment
CISMT 12-12-10